

This record is a partial extract of the original cable. The full text of the original cable is not available.

061609Z Jul 05

UNCLAS SECTION 01 OF 02 PARIS 004725

SIPDIS

FROM USMISSION UNESCO PARIS
FOR IO/T - ROBERTS AND COWLEY, EB - PAUL ACETO
PLEASE PASS TO USPTO - M KLEPINGER

E.O. 12958: N/A

TAGS: [AORC](#) [KIPR](#) [UNESCO](#) [WIPO](#) [WSIS](#)

SUBJECT: USUNESCO: CONVENTION ON THE PROTECTION OF THE
RIGHTS OF BROADCAST ORGANIZATIONS - PROPOSED BY INDIA

REF: PARIS 003245

1. This is an action cable. See action request in para. 7.

2. Summary: The U.S. Delegation to the Intergovernmental Council of the Rome Convention meeting at UNESCO headquarters on June 27-28, 2005 successfully advocated for a report from the Council that indicates that the right place for negotiations on a new treaty for protection of broadcasting organizations is the World Intellectual Property Organization (WIPO) - not UNESCO. The twelve-member Council drafted an opinion for the Director General (DG) of UNESCO that endorsed the continuation of such work at WIPO and clearly discouraged duplication of negotiation efforts at UNESCO. This issue came before the Council as the result of a proposal by India (see REFTEL) to introduce a convention on broadcasting at UNESCO. The USDEL effort supported ongoing multilateral negotiations on this topic at WIPO and was aimed at keeping Member States from using UNESCO as a venue of convenience when their objectives are not met in other international fora. End Summary.

3. The twelve-member Intergovernmental Council of the Rome Convention met at UNESCO headquarters on June 27-28, 2005. The Council had been requested by the 171st UNESCO Executive Board to comment on a proposal by India to place a convention on the protection of the rights of broadcast organizations on the agenda of the next UNESCO General Conference in October 2005. The U.S. is not a party to the Rome Convention but took part as an Observer with a delegation from USPTO, the U.S. Copyright Office, and the U.S. Mission to UNESCO.

4. The UNESCO Executive Board request was included in the agenda as item 10.1: "Proposal for a convention on broadcasting and the new technologies (document ILO/UNESCO/WIPO/ICR.19.8)." The Council expressed the following opinion to the Director General of UNESCO (Draft Final Report ILO/UNESCO/OMPI/ICR.19.9 Prov.):

"The Council examined the proposal of India, further to the resolution of the Executive Board and at the request of its Director-General. The Committee is concerned about duplication of work if negotiations were to be launched at UNESCO. All members of the Council who took the floor were therefore not in favor of launching of such negotiations and endorsed the continuation of efforts at WIPO. Three observers agreed with the opinion of the Council members and two observers supported the proposal of India. UNESCO was encouraged to become more actively involved in such negotiations at WIPO."

5. This result on the Indian proposal for a broadcasting convention was in line with our objective to keep Member States from introducing conventions at UNESCO that are outside its mandate. During their interventions, all Council members were in agreement that the venue for discussions and negotiations on intellectual property protection for broadcasting is WIPO not UNESCO. Most also noted that they opposed any idea of opening the issue at UNESCO because it would be a duplication of ongoing efforts at WIPO. The EU had strong representation on the Council and held the line on a common response on this issue.

6. Comment: It was obvious that India was not satisfied with the outcome and will likely try to open the topic up for further discussion and possible action when the DG makes his follow-up report to the next Executive Board (September 2005) on their proposal for a convention on broadcasting at UNESCO. End comment.

7. Action request. Given the importance of keeping this issue off the table at UNESCO, it would be useful to have an expert familiar with WIPO issues and negotiations at the Executive Board session when this issue comes up in September.
OLIVER